

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** AGENDA (ITEM 17 REWORDED)**

COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, October 7, 2003

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:03 P.M.**

Roll Call - ALL PRESENT

Pledge of Allegiance - VICE MAYOR WAYNE ECTON

Invocation - NONE

Presentations/Information Updates – MAYOR MANROSS

Declaration of McDowell Sonoran Preserve Month

Appointment – OK – 7/0

Reappointment of Judge Joseph Olcavage

Public Comment – LOIS FITCH – REMINDED EVERYONE THAT THE WINFIELD SCOTT MEMORIAL COMMITTEE IS RAISING MONEY FOR A MEMORIAL TO BE PLACED IN FRONT OF THE LITTLE RED SCHOOLHOUSE; AMY BERG –CLARIFIED THE VARIOUS ELEMENTS OF THE REDEVELOPMENT AGREEMENT FOR THE LOS ARCOS TOWN CENTER. SHE STATED THAT THE AMOUNT OF INFRASTRUCTURE IMPROVEMENTS FROM THE PROJECT TOTAL MORE THAN THE “SUBSIDY”.; CARLA – URGED COUNCIL TO MOVE FORWARD ON NAMING THE FEATURES IN THE PRESERVE; CHRISTINE KOVACH – URGED COUNCIL TO MOVE FORWARD ON NAMING THE FEATURES IN THE PRESERVE AND TO MOVE THE MANUAL FORWARD TO THE DRB SO ENTRANCE DESIGNS FOR THE PRESERVE ARE STANDARIZED

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “public comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes - OK – 7/0

SPECIAL MEETINGS

September 15, 2003

REGULAR MEETINGS

September 23, 2003

1. 5th Avenue Gourmet Wine Co. Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer of a series 7 (beer/wine bar) State liquor license for a new gourmet wine bar location.

Location: 7128 E 5th Av

Reference: 63-LL-2003

Staff Contact(s): Yvonne Steill, Technology Coordinator, 480-312-2699, ysteill@Scottsdaleaz.gov
Robert Bushfield, Development Review & Permit Services Director, 480-312-7096,
rbushfield@ScottsdaleAZ.gov

2. The Jade Chinese Dining Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant currently operating with a series 12 license.

Location: 23623 N Scottsdale Rd

Reference: 64-LL-2003

Staff Contact(s): Yvonne Steill, Technology Coordinator, 480-312-2699, ysteill@Scottsdaleaz.gov
Robert Bushfield, Development Review & Permit Services Director, 480-312-7096,
rbushfield@ScottsdaleAZ.gov

3. Chipotle Mexican Grill #2128 Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new restaurant located in the Zocallo shopping center.

Location: 15425 N Scottsdale Rd

Reference: 65-LL-2003

Staff Contact(s): Yvonne Steill, Technology Coordinator, 480-312-2699, ysteill@Scottsdaleaz.gov
Robert Bushfield, Development Review & Permit Services Director, 480-312-7096,
rbushfield@ScottsdaleAZ.gov

4. Four Peaks Grill & Tap Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) State liquor license and a location transfer of a series 7 (beer/wine bar) State liquor license for an existing establishment.

Location: 15730 N Pima Rd

Reference: 66-LL-2003 & 67-LL-2003

Staff Contact(s): Yvonne Steill, Technology Coordinator, 480-312-2699, ysteill@Scottsdaleaz.gov
Robert Bushfield, Development Review & Permit Services Director, 480-312-7096,
rbushfield@ScottsdaleAZ.gov

5. Teakwoods Tavern & Grill Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) State liquor license for an existing establishment currently operating with a series 12 (restaurant) liquor license.

Location: 8880 E Via Linda

Reference: 68-LL-2003

Staff Contact(s): Yvonne Steill, Technology Coordinator, 480-312-2699, ysteill@Scottsdaleaz.gov
Robert Bushfield, Development Review & Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.gov

6. Marriott Residence Inn Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer of a series 7 (beer/wine bar) State liquor license for a new beer/wine bar location.

Location: 17011 N Scottsdale Rd

Reference: 69-LL-2003

Staff Contact(s): Yvonne Steill, Technology Coordinator, 480-312-2699, ysteill@Scottsdaleaz.gov
Robert Bushfield, Development Review & Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.gov

7. Construction bid award for modifications to the Reclaimed Water Distribution System (RWDS) Pump Station #96, Pump Station #97A, and Pump Station #45 – OK - C

Request: Authorize Construction Bid Award No. 03PB033 to modify Pump Station #96, located at the Scottsdale Water Campus (metering improvements), modify Pump Station #97A, located east of Pima Road and north of Los Gatos Drive (noise reduction improvements), and modify Pump Station #45, located south of Pinnacle Peak Road and approximately 300 feet east of 94th Street (pumping capacity improvements) to MGC Contractors, Inc., the lowest responsive bidder, at their total lump sum bid of \$581,623.

Staff Contact(s): Chuck Henne, Sr. Project Manager, (480) 312-7097, chenne@scottsdaleAZ.gov;
Greg Crossman, Water Resource Engineer (480) 312-5319 gcrossman@scottsdaleAZ.gov; Al Dreska, Capital Project Management Administrator, 480-312-2776, aldreska@scottsdaleaz.gov

8. Construction Bid Award for operating equipment facilities at Potable Well No. 123 – OK - C

Request: Authorize Construction Bid Award No. 03PB053 to Weber Group, LC, the lowest responsive bidder, at their lump sum base bid of \$776,744.00 for the construction of operating facilities at Potable Well No. 123.

Related Policies, References: On August 20, 2001, City Council approved Construction Bid Award No. 02PB004 and Engineering Services Contract No. 2001-108-COS to drill and install Well #123 and design associated operating facilities. Drilling activities, well installation, and facility design have been completed for Well #123. This contract will provide construction of the related facilities for operation of the well.

Staff Contact(s): Chuck Henne, Sr. Project Manager, chenne@scottsdaleaz.gov, (480) 312-7097;
Marshall Brown, Hydrogeologist, mpbrown@scottsdaleaz.gov, (480) 312-5683; Al Dreska, Capital Project Management Administrator, 480-312-2776, aldreska@scottsdaleaz.gov

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9. Sale of Surplus City Property – OK - C

Request: Adopt Resolution No. 6375 authorizing the sale of 2,500 S.F. of surplus property (the “Property”) located at the southeast corner of Shea Boulevard and 142nd Street, in the amount of \$14,500, to the adjoining property owner, Windsor Shea, an Arizona Limited Liability Company.

Related Policies, References:

- Scottsdale Revised Code Section 2-221(b)(5) allows the City to sell property directly to owners of adjoining property without conducting a public auction if a determination is made that uniting ownership of the city's real property with the adjoining property will be a public benefit. The determination is based on such issues as proposed use of the property, size and configuration, existing restrictions on development and the value of the property.
- On September 8, 2003 the City Council authorized a construction bid award to MGC Contractors, which includes decommissioning telemetry communication and chlorine application functions on the Property and salvaging the operational equipment.

Staff Contact(s): Ron King, Asset Management Coordinator, 480-312-7042, rking@scottsdaleaz.gov; Al Dreska, Capital Project Management Administrator, 480-312-2776, adreska@scottsdaleaz.gov

10. Intergovernmental Agreements (IGAs) accepting grant funding to construct an Airport Perimeter/Blast Fence. – OK - C

Requests:

- Adopt Resolution No. 6383, authorizing IGA No. 2003-139-COS with the Federal Aviation Administration (FAA) accepting grant no. 3-04-0032-17 for \$150,000 and a 15% contingency of \$22,500; and
- Authorize IGA No. 2003-140-COS with the Arizona Department of Transportation (ADOT) accepting a grant for \$7,363 and a 15% contingency of \$1,104. The total grant funded budget of \$180,967 will be used with \$7,364 and a 15% contingency of \$1,104 of Aviation Enterprise funds to fund the design and construction of an Airport Perimeter/Blast Fence. Grant budget includes contingency in the event change orders are needed. The contingency is funded by the FAA grant agreement, ADOT grant agreement, and the Aviation Fund.

The blast fence is comprised of two separate sections of fence that will be used to reduce the amount of direct exhaust fumes and jet wash generated by aircraft that use Taxiway B at the City's airport.

Staff Contact(s): John C. Little, Jr., Transportation General Manager, (480) 312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, (480) 312-7735, sgray@scottsdaleaz.gov

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11. Award of Contract 04PB017 for the Construction of the Airport Perimeter/Blast Fence –

OK - C

Request: Consider authorizing bid award No. 04PB017 for \$122,734.92 to Embala Corp. and a 15% project contingency at a bid price of \$122,734.92 plus 15% project contingency, total project budget required is \$134,836. Estimated maximum cost to Aviation funds is \$6,309.

Related Policies, References: Federal and state grant funds cover 95% of grant-eligible costs, including both the cost of the contracted consultant and of City staff contract administration. The City is required to provide a 5% match. Grant budget includes contingency in the event change orders are needed. The 15% contingency is funded by the Federal Aviation Administration (FAA) grant agreement, Arizona Department of Transportation (ADOT) grant agreement, and the Aviation Fund. See Resolution No. 6383 authorizing Intergovernmental Agreements 2003-139-COS and 2003-140-COS, respectively. The blast fence is comprised of two separate sections of fence that will be used to reduce the amount of direct exhaust fumes and jet wash generated by aircraft that use Taxiway B at the City's airport.

Staff Contacts(s): John C. Little, Jr., Transportation General Manager, (480) 312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, (480) 312-7735, sgray@scottsdaleaz.gov

12. Intergovernmental Agreement (IGA) with Maricopa County for Special Transportation Services (STS) for elderly and disabled clients. – **OK - C**

Request: Consider adoption of Resolution No. 6358 to authorize a one-year IGA No. 2003-133-COS with Maricopa County for the provision of STS. The estimated cost of purchasing these services from Maricopa County for fiscal year 2003/04 is \$44,334.

Recognizing that this service benefits City residents, Scottsdale has supported STS since 1987. STS should provide an estimated 5,000 free trips to City residents under the fiscal year 2003/04 contract. Trips will cost the City an average of \$9 per trip, which is an increase in cost. The increase in cost is attributable to increased usage, and increases in capital and operating costs. The previous contract was based on a service level of 3,364 trips per year. This contract provides 45% more service, reflecting increasing demand. Contributing to the increase in demand is the growing reliance on STS for life-saving dialysis treatment.

Related Policies, References: IGA No. 2003-133-COS; City Procurement Code

Staff Contact(s): John C. Little, Jr., Transportation General Manager, (480) 312-2539, jlittle@scottsdaleaz.gov; Michelle Korf, Transportation Planning Director, (480) 312-2638, mkorf@scottsdaleaz.gov; Michael Spletter, Contract and Grant Coordinator, (480)-312-7656, mspletter@scottsdaleaz.gov

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13. Downtown Circulation Service Contract for operation of the Scottsdale Trolley service in Fiscal Year 2003/04. – OK - C

Request: Consider authorization of Downtown Circulation Service Contract No. 2003-146-COS as sole source procurement with Atypical Transportation to contract for the operation of the Scottsdale Trolley service for one year. The estimated cost of purchasing these services for fiscal year 2003/04 is \$415,000. The trolley route has been extended to serve the Galleria, increasing basic operating costs approximately 25 percent from previous years.

The City contracted trolley service from Atypical Transportation for the last five years. Beginning in the Fall of 2003, the City of Scottsdale will be placing new trolleys on the Downtown routes that it purchased with the assistance of a Federal Transit Administration grant. Due to the uncertainties and risks of bringing new, untested vehicles into a service where reliability is critical, and the need for contractor owned backup vehicles configured as trolleys, the Purchasing Director has determined that a sole source procurement of this service is in the best interest of the City. This measure allows for the orderly transition of the City-owned trolley fleet into service by a contractor who is familiar with the operation and has contractor owned trolleys available for use until the City's fleet becomes fully operational. Future operating contracts will be subject to the usual competitive procurement.

Related Policies, References: Downtown Circulation Service Contract No. 2003-146-COS, City Procurement Code

Staff Contact(s): John C. Little, Jr., Transportation General Manager, (480) 312-2539, jlittle@scottsdaleaz.gov; Michelle Korf, Transportation Planning Director, (480) 312-2638, mkorf@scottsdaleaz.gov; Michael Spletter, Contract and Grant Coordinator, (480)-312-7656, mspletter@scottsdaleaz.gov

14. Professional Services Contract for Aerial Photography & Digital Terrain Modeling – OK - C

Request: Authorize Professional Services Contract #2003-142-COS with Stewart Geo Technologies in the amount of \$128,956.26 for the purchase of new color digital aerial photography and digital terrain models.

Staff Contact(s): Rob Chasan, GIS Analyst, rhasan@scottsdaleaz.gov, 480 312-4128

15. Authorize Settlement Relating to Hoffman v. Connell, et al. – OK - C

Request: Consider approval of settlement of \$75,000 in lawsuit filed against the City, Hoffman v. Connell, et al., Cause No. CV2002-011693, Maricopa County Superior Court.

Related Policies, References: Settlement Agreement No. 2003-163-COS.

Staff Contact(s): Deborah W. Robberson, Deputy City Attorney, 480.312.2405, drobberson@scottsdaleaz.gov; Michael Mason, Risk Management Claims Manager, 480.312.2490, mmason@scottsdaleaz.gov

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16. Intergovernmental Agreement between Cities of Phoenix and Scottsdale for joint use of Well No. 65. – OK - C

Requests:

- Adopt Resolution No. 6327 authorizing the execution of Intergovernmental Agreement No. 2003-117-COS and Settlement Agreement No. 2003-162-COS.
- Authorize execution of Intergovernmental Agreement No. 2003-117-COS with the City of Phoenix. It provides for the City of Phoenix and City of Scottsdale joint use of City of Scottsdale Well No. 65 and designates the City of Phoenix as the provider of utility services to Section 16 in the City of Phoenix.
- Authorize execution of Settlement Agreement No. 2003-162-COS for the release and discharge of water line reimbursement Agreement Number R9509021 with Cave Creek School District.

Staff Contact(s): David M. Mansfield, Water Resources General Manager, (480) 312-5681, dmansfield@Scottsdaleaz.gov

REGULAR AGENDA

ITEM 17

***17. Scottsdale Waterfront – OK w/CHANGES – 7/0

Requests:

1. To qualify and to designate an Infill Incentive District and to adopt an Infill Incentive Plan with amended development standards and establish new stipulations including site plan and elevations approval on an 11.3 +/- acre parcel located at the southwest corner of Scottsdale Road and Camelback Road in Downtown Scottsdale.
2. To adopt Resolution No. 6376 declaring the “Scottsdale Waterfront Development Plan” as a public record filed with the City of Scottsdale.
3. To adopt Ordinance No. 3527, with or without an emergency clause, affirming Infill Incentive District boundaries, the Infill Incentive Plan, the Scottsdale Waterfront Development Plan, the amended development standards, new stipulations, to repeal the existing stipulations and design review approval of the project.
4. To adopt Resolution No. 6379 authorizing the Mayor to execute Development Agreement No. 2003-164-COS.
5. To adopt Resolution No. 6385 removing the Waterfront Redevelopment Area Designation.

Reference: 1-II-2003

Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov; Kroy Ekblaw, General Manager Planning and Development Services Dept., 480-312-7064, kekblaw@ScottsdaleAZ.gov; Ed Gawf, Deputy City Manager, 480-312-4510, egawf@ScottsdaleAZ.gov; Craig Clifford, General Manager Financial Services Dept., 480-312-2364, cclifford@ScottsdaleAZ.gov; Dave Roderique, General Manager Economic Vitality Dept., 480-312-7601, droderique@ScottsdaleAZ.gov

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - NONE

Adjournment – 9:27 P.M.